

CURRENT CODE LANGUAGE

December 7, 2012

4.083 **Noise Disturbance - Specific Prohibitions.** Unless exempted by section 4.084 of this code, the following acts are declared to be noise disturbances; however this enumeration shall not be deemed an exclusive list of the violations of section 4.080(2) or section 4.081 of this code, nor shall the recitation of specific prohibitions below be deemed the exclusive and entire listing of unlawful noise disturbances for each subcategory:

- (a) Sound producing, amplifying or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to a radio, drums and other musical instruments, phonograph, television set, tape recorder, loud speaker, or other similar device:
 - 1. Between the hours of 10 p.m. and 7 a.m. the following day so as to be plainly audible within any dwelling unit which is not the source of the sound; or
 - 2. On public property or on a public right-of-way so as to be plainly audible fifty feet or more from such device, except as specifically authorized in writing by the city, county, state or federal government.
- (b) Animals. Keeping, or permitting the keeping of any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior causes vocal or other sounds on a sustained basis during a 15-minute period shall constitute a noise disturbance.

4.330 **Animal Control - Definitions.** For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

Animal. Any nonhuman mammal, bird, reptile, amphibian or fish.

Continuous annoyance. Permit any animal to cause annoyance, alarm or disturbance for more than 15 continuous minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

Good animal husbandry. Includes, but is not limited to the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

Pet or domestic animal. Any animal that is owned or possessed by a person, other than livestock.

Physical injury. Impairment of physical condition or substantial pain.

Serious physical injury. Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

4.335 Animal Abuse.

- (1) Animal abuse in the second degree. A person commits the offense of animal abuse in the second degree if, except as otherwise authorized by law or as provided in subsection (2) of this section, the person causes physical injury to an animal.
- (2) Animal abuse in the first degree. A person commits the offense of animal abuse in the first degree if, except as otherwise authorized by law, the person:
 - (a) Causes physical injury to a service animal; or
 - (b) Causes serious physical injury to an animal; or
 - (c) Cruelly causes the death of an animal.
- (3) Any practice of good animal husbandry is not a violation of this section.

4.340 Animal Neglect.

- (1) As used in this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:
 - (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
 - (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.
 - (c) In the case of pet or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.
 - (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
 - (e) Pet or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.
- (2) Animal neglect in the second degree. A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person fails to provide minimum care for an animal in such person's custody or control.
- (3) Animal neglect in the first degree. A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person:
 - (a) Fails to provide minimum care for an animal in such person's custody or control; and
 - (b) Such failure to provide care results in serious physical injury or death to the animal.